

**City Council**                      **June 4, 2013**

Case:                                      LDC-7-513

Staff Contact:                      Christine Hughes; [christine.hughes@wilmingtonnc.gov](mailto:christine.hughes@wilmingtonnc.gov); 910-341-5885

Staff Recommendation:      Approval

Planning Commission      Approval, 6-1  
Recommendation:

City Council Action:

### ***Request***

<i>Code Section(s)</i>	Chapter 18, Article 3, Sec. 18-118
<i>Request</i>	To revise the code amendment cycle from twice per year to four times per year
<i>Applicant</i>	City of Wilmington

### ***Case Overview***

The proposed Land Development Code (LDC) amendment would change the schedule by which applicant-initiated code amendments are processed from twice per year to four times per year.

### **ANALYSIS**

Applications for code amendments are currently accepted twice per year: on the first Monday in February for the May Planning Commission agenda and the first Monday in July for the October Planning Commission agenda.

#### **1. History/Background**

- The current biannual process was adopted as part of the code clean up that was adopted in April 2008. Prior to this change, LDC amendment petitions were accepted every month.
- The 2008 change was initiated in response to an excessive number of code amendment requests (a total of 19 code amendments were processed FY 2005-06 and 17 in FY 06-07).
- Following the change to the biannual cycle, the number of code amendments dropped (inclusive of city-initiated and citizen initiated amendments)
  - 2007-08 – 12
  - 2008-09 – 7
  - 2009-10 – 12
  - 2010-11 – 11
  - 2011-12 – 9

#### **2. Proposed amendment**

Amend Chapter 18, Article 3, Sec. 18-118. Petition for a change as follows: (deletions in ~~strike~~through; additions underlined):

- (g) *Regulatory Amendments.* Requests to amend the regulations of the Land Development Code shall only be accepted ~~biannually~~ quarterly in accordance with the following schedule. Criteria for the submittal of such an amendment are set forth in this section.

A complete application adhering to the requirements of this section must be received by city staff by the first Monday of the month indicated.

~~(1)~~ First Amendment Cycle:

- a. ~~A complete application adhering to the requirements of this section must be received by city staff by 1 pm on the first Monday in February.~~  
b. ~~A public hearing shall be conducted by the Planning Commission for eligible requests no earlier than the first Planning Commission meeting in May.~~

~~(2)~~ Second Amendment Cycle:

- a. ~~A complete application adhering to the requirements of this section must be received by city staff by 1 pm on the first Monday in July.~~  
b. ~~A public hearing shall be conducted by the Planning Commission for eligible requests no earlier than the first Planning Commission meeting in October.~~

Application Due	Planning Commission Meeting
January	April
April	July
July	October
October	January

- (1) A completed application, including justification of the proposed amendment, along with the application fee shall, be submitted upon application.
- (2) Upon determination by the City Manager, an application for a regulatory amendment may be presented to Planning Commission not in accordance with this schedule. The applicant must provide evidence that adhering to this schedule would create a situation that is detrimental to the health, safety, and welfare of the city and its residents.

## **CONCLUSIONS**

- The proposed amendment would allow applicants to initiate code amendments four times per year rather than twice per year.

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- The proposed change would not alter the manner by which petitions are made; proposed amendments would continue to be allowed to be initiated by the City Council, planning commission, board of adjustment, or by one or more interested parties.

### **RECOMMENDATION**

The request is consistent with the City Council's adopted focus areas of Sustainability and Adaptability and Diverse and Thriving Economy; therefore, staff recommends **approval of proposed amendment to the Land Development Code.**

### **NEIGHBORHOOD CONTACT**

	<b>Planning Commission</b>	<b>City Council</b>
<i>Advertisement Date(s)</i>	4/26/13	5/24/13 & 5/31/13

### **ACTIONS TO DATE**

<i>Planning Commission</i>	Public hearing, 5/1/13
<i>City Council</i>	Scheduled for public hearing 6/4/13

**Information from the 5/1/13 Planning Commission meeting:** No one elected to speak in favor of or in opposition to the proposed amendment. After discussion as to whether four times per year is sufficient or if applications should be accepted monthly, the Planning Commission voted 6-1 to recommend approval of the amendment as proposed.

### **ATTACHMENTS**

1. Planning Commission Recommendations (5/1/13)
2. Draft minutes from 5/1/13 Planning Commission meeting